

105TH CONGRESS
1ST SESSION

S. 511

To require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 1997

Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. DODD, Ms. MOSELEY-BRAUN, Mr. KERRY, Mr. KERREY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Safe Adoptions and Family Environments Act”.

- 1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REQUIRING CONSIDERATION OF THE HEALTH AND
 SAFETY OF A CHILD IN FOSTER CARE AND ADOPTION PLACE-
 MENTS

Sec. 101. Improving foster care protection requirements.

Sec. 102. Clarifying State plan requirements.

Sec. 103. Including safety in case plan and case review system requirements.

Sec. 104. Multidisciplinary/multiagency child death review teams.

TITLE II—ENHANCING PUBLIC AGENCY AND COMMUNITY
 ACCOUNTABILITY FOR THE HEALTH AND SAFETY OF CHILDREN

Sec. 201. Knowledge development and collaboration to prevent and treat sub-
 stance abuse problems among families known to child protec-
 tive service agencies.

Sec. 202. Priority in providing substance abuse treatment.

Sec. 203. Foster care payments for children with parents in residential facili-
 ties.

Sec. 204. Reimbursement for staff training.

Sec. 205. Criminal records checks for prospective foster and adoptive parents
 and group care staff.

Sec. 206. Development of State guidelines to ensure safe, quality care to chil-
 dren in out-of-home placements.

TITLE III—INCENTIVES FOR PROVIDING PERMANENT FAMILIES
 FOR CHILDREN

Sec. 301. Reasonable efforts for adoption or location of a permanent home.

Sec. 302. Permanency planning hearings.

Sec. 303. Promotion of adoption of children with special needs.

Sec. 304. One-year reimbursement for reunification services.

Sec. 305. Adoptions across State and county jurisdictions.

TITLE IV—PROMOTION OF INNOVATION IN ENSURING SAFE AND
 PERMANENT FAMILIES

Sec. 401. Innovation grants to reduce backlogs of children awaiting adoption
 and for other purposes.

Sec. 402. Expansion of child welfare demonstration projects.

TITLE V—MISCELLANEOUS

Sec. 501. Effective date.

1 **TITLE I—REQUIRING CONSIDER-**
 2 **ATION OF THE HEALTH AND**
 3 **SAFETY OF A CHILD IN FOS-**
 4 **TER CARE AND ADOPTION**
 5 **PLACEMENTS**

6 **SEC. 101. IMPROVING FOSTER CARE PROTECTION RE-**
 7 **QUIREMENTS.**

8 (a) IN GENERAL.—Paragraph (9)(B) of section
 9 422(b) of the Social Security Act (42 U.S.C. 622(b)), as
 10 added by section 202(a)(3) of the Social Security Act
 11 Amendments of 1994 (Public Law 103–432; 108 Stat.
 12 4453), is amended—

13 (1) in clause (iii)(I), by inserting “safe and”
 14 after “where”; and

15 (2) in clause (iv), by inserting “safely” after
 16 “remain”.

17 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
 18 Title IV of the Social Security Act (42 U.S.C. 620–635)
 19 is amended—

20 (1) in section 422(b)—

21 (A) by striking the period at the end of
 22 paragraph (9) (as added by section 554(3) of
 23 the Improving America’s Schools Act of 1994
 24 (Public Law 103–382; 108 Stat. 4057)) and in-
 25 serting a semicolon;

1 (B) by redesignating paragraph (10) as
 2 paragraph (11); and

3 (C) by redesignating paragraph (9), as
 4 added by section 202(a)(3) of the Social Secu-
 5 rity Act Amendments of 1994 (Public Law
 6 103–432, 108 Stat. 4453), as paragraph (10);
 7 and

8 (2) in sections 424(b), 425(a), and 472(d), by
 9 striking “422(b)(9)” each place it appears and in-
 10 sserting “422(b)(10)”.

11 **SEC. 102. CLARIFYING STATE PLAN REQUIREMENTS.**

12 (a) IN GENERAL.—Section 471 of the Social Security
 13 Act (42 U.S.C. 671) is amended—

14 (1) in subsection (a), by striking paragraph
 15 (15) and inserting the following:

16 “(15) provides that, in each case—

17 “(A) in determining reasonable efforts, as
 18 described in this section, the child’s health and
 19 safety shall be the paramount concern; and

20 “(B) reasonable efforts will be made—

21 “(i) prior to the placement of a child
 22 in foster care, to prevent or eliminate the
 23 need for removing the child from the
 24 child’s home when the child can be cared

1 for at home without endangering the
2 child's health or safety; and

3 “(ii) to make it possible for the child
4 to return to the child's home, except—

5 “(I) if the State through legisla-
6 tion has specified the cases in which
7 the State is not required to make ef-
8 forts at reunification because of cir-
9 cumstances that endanger the child's
10 health or safety, which shall include
11 cases such as those described in sub-
12 section (c); or

13 “(II) if a court determines that
14 returning the child to the child's home
15 would endanger the child's health or
16 safety;”; and

17 (2) by adding at the end the following:

18 “(c) For purposes of subsection (a)(15)(B)(ii)(I), the
19 cases described in this subsection are as follows:

20 “(1) A case involving a child with a parent who
21 has been found by a court of competent jurisdic-
22 tion—

23 “(A) to have committed murder (as de-
24 fined in section 1111(a) of title 18, United
25 States Code) of another child of such parent;

1 “(B) to have committed voluntary man-
 2 slaughter (as defined in section 1112(a) of title
 3 18, United States Code) of another child of
 4 such parent;

5 “(C) to have aided or abetted, attempted,
 6 conspired, or solicited to commit murder or vol-
 7 untary manslaughter of another child of such
 8 parent;

9 “(D) to have committed a felony assault
 10 that results in serious bodily injury to the child
 11 or to another child of such parent; or

12 “(E) to have abandoned, tortured, chron-
 13 ically abused, or sexually abused the child.”.

14 (b) STATE LEGISLATION REQUIRED.—Section 471 of
 15 the Social Security Act (42 U.S.C. 671), as amended by
 16 subsection (a), is amended by adding at the end the follow-
 17 ing:

18 “(d) Not later than October 3, 1999, a State, in order
 19 to be eligible for payments under this part, shall have and
 20 enforce State laws that specify—

21 “(1) the cases, such as those described in sub-
 22 section (c), in which the State is not required to
 23 make efforts at reunification of the child with the
 24 child’s parent; and

1 “(2) the cases, such as those described in sub-
 2 section (c), in which there are grounds for expedited
 3 termination of parental rights without efforts first
 4 being required to reunify the child with the child’s
 5 parent because of the circumstances that endanger
 6 the child’s health or safety.”.

7 (c) REDESIGNATION OF PARAGRAPH.—Section
 8 471(a) of the Social Security Act (42 U.S.C. 671(a)) is
 9 amended—

10 (1) by striking “and” at the end of paragraph
 11 (17);

12 (2) by striking the period at the end of para-
 13 graph (18) (as added by section 1808(a) of the
 14 Small Business Job Protection Act of 1996 (Public
 15 Law 104–188; 110 Stat. 1903)) and inserting “;
 16 and”; and

17 (3) by redesignating paragraph (18) (as added
 18 by section 505(3) of the Personal Responsibility and
 19 Work Opportunity Reconciliation Act of 1996 (Pub-
 20 lic Law 104–193; 110 Stat. 2278)) as paragraph
 21 (19).

22 **SEC. 103. INCLUDING SAFETY IN CASE PLAN AND CASE RE-**
 23 **VIEW SYSTEM REQUIREMENTS.**

24 Section 475 of the Social Security Act is amended—

25 (1) in paragraph (1)—

1 (A) in subparagraph (A), by inserting
 2 “safety and” after “discussion of the”; and

3 (B) in subparagraph (B)—

4 (i) by inserting “safe and” after
 5 “child receives”; and

6 (ii) by inserting “safe” after “return
 7 of the child to his own”; and

8 (2) in paragraph (5)—

9 (A) in subparagraph (A), in the matter
 10 preceding clause (i), by inserting “a safe setting
 11 that is” after “placement in”; and

12 (B) in subparagraph (B)—

13 (i) by inserting “the safety of the
 14 child,” after “determine”; and

15 (ii) by inserting “and safely main-
 16 tained in” after “returned to”.

17 **SEC. 104. MULTIDISCIPLINARY/MULTIAGENCY CHILD**
 18 **DEATH REVIEW TEAMS.**

19 (a) STATE CHILD DEATH REVIEW TEAMS.—Section
 20 471(a) of the Social Security Act (42 U.S.C. 671(a)), as
 21 amended by section 102(b), is amended by adding at the
 22 end the following:

23 “(e)(1) Not later than 5 years after the date of enact-
 24 ment of the Safe Adoptions and Family Environments
 25 Act, a State, in order to be eligible for payments under

1 this part, shall submit to the Secretary a certification that
 2 the State has established and is maintaining, a State child
 3 death review team, and if necessary in order to cover all
 4 counties in the State, child death review teams on the re-
 5 gional or local level, that shall review child deaths, includ-
 6 ing deaths in which—

7 “(A) there has been a prior report of child
 8 abuse or neglect or there is reason to suspect that
 9 the child death was caused by, or related to, child
 10 abuse or neglect;

11 “(B) the child who died was a ward of the
 12 State or was otherwise known to the State or local
 13 child welfare agency;

14 “(C) the child death was a suicide; or

15 “(D) the cause of the child death was otherwise
 16 unexplained or unexpected.

17 “(2) A child death review team established in accord-
 18 ance with this subsection should have a membership that,
 19 as defined by the Secretary, will present a range of view-
 20 points that are independent from any specific agency, and
 21 shall include representatives from, at a minimum, specific
 22 fields of expertise, such as law enforcement, health, mental
 23 health, and substance abuse, and from the community.

24 “(3) A State child death review team shall—

1 “(A) provide support to a regional or local child
2 death review team;

3 “(B) make public an annual summary of case
4 findings;

5 “(C) provide recommendations for systemwide
6 improvements in services to prevent fatal abuse and
7 neglect; and

8 “(D) if the State child death review team covers
9 all counties in the State on its own, carry out the
10 duties of a regional or local child death review team
11 described in paragraph (4).

12 “(4) A regional or local child death review team
13 shall—

14 “(A) conduct individual case reviews;

15 “(B) assist with regional or local management
16 of child death cases; and

17 “(C) suggest followup procedures and systems
18 improvements.”.

19 (b) FEDERAL CHILD DEATH REVIEW TEAM.—Sec-
20 tion 471(a) of the Social Security Act (42 U.S.C. 671(a)),
21 as amended by subsection (a), is amended by adding at
22 the end the following:

23 “(f)(1) The Secretary shall establish a Federal child
24 death review team that shall consist of at least the follow-
25 ing:

1 “(A) Representatives of the following Federal
2 agencies who have expertise in the prevention or
3 treatment of child abuse and neglect:

4 “(i) Department of Health and Human
5 Services.

6 “(ii) Department of Justice.

7 “(iii) Bureau of Indian Affairs.

8 “(iv) Department of Defense.

9 “(v) Bureau of the Census.

10 “(B) Representatives of national child-serving
11 organizations who have expertise in the prevention
12 or treatment of child abuse and neglect and that, at
13 a minimum, represent the health, child welfare, so-
14 cial services, and law enforcement fields.

15 “(2) The Federal child death review team established
16 under this subsection shall—

17 “(A) review reports of child deaths on military
18 installations and other Federal lands, and coordinate
19 with Indian tribal organizations in the review of
20 child deaths on Indian reservations;

21 “(B) conduct ongoing reviews of the status of
22 State child death review teams and regional or local
23 child death review teams, and of the management of
24 interstate child death cases;

1 “(C) provide guidance and technical assistance
2 to States and localities seeking to initiate or improve
3 child death review teams and to prevent child fatali-
4 ties;

5 “(D) review and analyze relevant aggregate
6 data from State child death review teams and from
7 regional or local child death review teams, in order
8 to identify and track national trends in child fatali-
9 ties; and

10 “(E) develop recommendations on related policy
11 and procedural issues for Congress, relevant Federal
12 agencies, and States and localities for the purpose of
13 preventing child fatalities.”.

14 **TITLE II—ENHANCING PUBLIC**
15 **AGENCY AND COMMUNITY AC-**
16 **COUNTABILITY FOR THE**
17 **HEALTH AND SAFETY OF**
18 **CHILDREN**

19 **SEC. 201. KNOWLEDGE DEVELOPMENT AND COLLABORA-**
20 **TION TO PREVENT AND TREAT SUBSTANCE**
21 **ABUSE PROBLEMS AMONG FAMILIES KNOWN**
22 **TO CHILD PROTECTIVE SERVICE AGENCIES.**

23 (a) SOURCES OF FEDERAL SUPPORT FOR SUB-
24 STANCE ABUSE PREVENTION AND TREATMENT FOR PAR-
25 ENTS AND CHILDREN.—Not later than 12 months after

1 the date of enactment of this Act, the Secretary of Health
 2 and Human Services, acting through the Administrator of
 3 the Administration for Children, Youth and Families, and
 4 the Director of the Center for Substance Abuse Prevention
 5 and the Director of the Center for Substance Abuse Treat-
 6 ment, shall prepare and provide to State child welfare
 7 agencies and substance abuse prevention and treatment
 8 agencies an inventory of all Federal programs that may
 9 provide funds for substance abuse prevention and treat-
 10 ment services for families receiving services directly or
 11 through grants or contracts from public child welfare
 12 agencies. An inventory prepared under this subsection
 13 shall include with respect to each Federal program listed,
 14 the amount of Federal funds that are available for that
 15 program and the relevant eligibility requirements. The
 16 Secretary shall biennially update the inventory required
 17 under this subsection.

18 (b) COLLABORATION BETWEEN FEDERALLY SUP-
 19 PORTED SUBSTANCE ABUSE AND CHILD PROTECTION
 20 AGENCIES.—

21 (1) SUBSTANCE ABUSE PREVENTION AND
 22 TREATMENT BLOCK GRANT.—Section 1932(a) of the
 23 Public Health Service Act (42 U.S.C. 300x–32(a)) is
 24 amended—

1 (A) in paragraph (6)(B), by striking “and”
 2 at the end;

3 (B) by redesignating paragraph (7) as
 4 paragraph (8); and

5 (C) by inserting after paragraph (6) the
 6 following:

7 “(7) the application contains an assurance that
 8 the State will collect information and prepare the re-
 9 port required under section 201(b)(3) of the Safe
 10 Adoptions and Family Environments Act; and”.

11 (2) SOCIAL SECURITY ACT.—Title IV of the So-
 12 cial Security Act is amended—

13 (A) in section 422(b), as amended by sec-
 14 tion 101(b) of this Act—

15 (i) in paragraph (10), by striking
 16 “and” at the end;

17 (ii) in paragraph (11), by striking the
 18 period and inserting “; and”; and

19 (iii) by adding at the end the follow-
 20 ing:

21 “(12) provide that the State shall collect infor-
 22 mation and prepare the report required under sec-
 23 tion 201(b)(3) of the Safe Adoptions and Family
 24 Environments Act.”; and

25 (B) in section 432(a)—

1 (i) in paragraph (7)(B), by striking
2 “and” at the end;

3 (ii) in paragraph (8), by striking the
4 period and inserting “; and”; and

5 (iii) by adding at the end the follow-
6 ing:

7 “(9) provides that the State shall collect infor-
8 mation and prepare the report required under sec-
9 tion 201(b)(3) of the Safe Adoptions and Family
10 Environments Act.”.

11 (3) REPORT ON JOINT ACTIVITIES.—

12 (A) IN GENERAL.—In order to be eligible
13 to receive a grant under subpart 2 of part B of
14 title XIX of the Public Health Service Act (42
15 U.S.C. 300x–21 et seq.) and under subparts 1
16 and 2 of part B of title IV of the Social Secu-
17 rity Act (42 U.S.C. 620 et seq.), the State sub-
18 stance abuse prevention and treatment agency
19 responsible for administering a grant under
20 subpart 2 of part B of title XIX of the Public
21 Health Service Act (42 U.S.C. 300x–21 et
22 seq.), and the State child welfare agency re-
23 sponsible for administering the State plans
24 under subparts 1 and 2 of part B of title IV
25 of the Social Security Act (42 U.S.C. 620 et

1 seq.) shall, not later than 12 months after the
2 date of enactment of this Act, jointly prepare a
3 report containing the information described in
4 subparagraph (B) on the joint prevention and
5 treatment activities conducted by such agencies,
6 and shall submit the report to the Secretary of
7 Health and Human Services who shall forward
8 such report to the Administrator of the Admin-
9 istration for Children, Youth and Families, the
10 Director of the Center for Substance Abuse
11 Prevention, and the Director of the Center for
12 Substance Abuse Treatment.

13 (B) REQUIRED INFORMATION.—The infor-
14 mation described in this subparagraph shall, to
15 the maximum extent practicable, include—

16 (i) a description of the characteristics
17 of the parents of children, including the
18 aggregate numbers, who are reported to
19 State or local child welfare agencies be-
20 cause of allegations of child abuse or ne-
21 glect and have substance abuse treatment
22 needs, and the nature of those needs;

23 (ii) a description of the characteristics
24 of the children of parents who are receiv-
25 ing substance abuse treatment from serv-

ices administered by the State substance abuse prevention and treatment and medic-aid agencies, including the aggregate number and whether they are in their parents' custody;

(iii) a description of the barriers that prevent the substance abuse treatment needs of clients of child welfare agencies from being treated appropriately;

(iv) a description of the manner in which the State child welfare and substance abuse prevention and treatment agencies are collaborating—

(I) to assess the substance abuse treatment needs of families who are known to child welfare agencies;

(II) to remove barriers that prevent the State from meeting the needs of families with substance abuse problems;

(III) to expand substance abuse prevention, including early intervention, and treatment for children and parents who are known to child welfare agencies; and

1 (IV) to provide for the joint
 2 funding of substance abuse treatment
 3 and prevention activities, the joint
 4 training of staff, and the joint con-
 5 sultations between staff of the 2 State
 6 agencies;

7 (v) a description of the information
 8 available on the treatment and cost-effec-
 9 tiveness of, and the annual expenditures
 10 for, substance abuse treatment services
 11 provided to families who are known to
 12 child welfare agencies;

13 (vi) available data on the number of
 14 parents and children served by both the
 15 State child welfare and the substance
 16 abuse prevention and treatment agencies
 17 and the number of the parents ordered by
 18 a court to seek such services; and

19 (vii) any other information determined
 20 appropriate by the Secretary of Health and
 21 Human Services.

22 (c) REPORT TO CONGRESS.—Not later than 18
 23 months after the date of enactment of this Act, the Sec-
 24 retary of Health and Human Services, acting through the
 25 Administrator of the Administration for Children, Youth

1 and Families, the Director of the Center for Substance
2 Abuse Prevention, and the Director of the Center for Sub-
3 stance Abuse Treatment, shall, using the information re-
4 ported to the Secretary jointly by State child welfare and
5 substance abuse prevention and treatment agencies, pre-
6 pare and submit to the appropriate committees of Con-
7 gress a report containing—

8 (1) a description of the extent to which clients
9 of child welfare agencies have substance abuse treat-
10 ment needs, the nature of those needs, and the ex-
11 tent to which those needs are being met;

12 (2) a description of the barriers that prevent
13 the substance abuse treatment needs of clients of
14 child welfare agencies from being treated appro-
15 priately;

16 (3) a description of the collaborative activities
17 of State child welfare and substance abuse preven-
18 tion and treatment agencies to jointly assess clients'
19 needs, fund substance abuse prevention and treat-
20 ment, train and consult with staff, and evaluate the
21 effectiveness of programs serving clients in both
22 agencies' caseloads;

23 (4) a summary of the available data on the
24 treatment and cost-effectiveness of substance abuse

1 treatment services for clients of child welfare agen-
 2 cies; and

3 (5) recommendations, including recommenda-
 4 tions for Federal legislation, for addressing the
 5 needs and barriers, as described in paragraphs (1)
 6 and (2), and for promoting further collaboration of
 7 the State child welfare and substance abuse preven-
 8 tion and treatment agencies in meeting the sub-
 9 stance abuse treatment needs of families.

10 **SEC. 202. PRIORITY IN PROVIDING SUBSTANCE ABUSE**
 11 **TREATMENT.**

12 Section 1927 of the Public Health Service Act (42
 13 U.S.C. 300x-27) is amended—

14 (1) in the heading, by inserting “**AND CARE-**
 15 **TAKER PARENTS**” after “**WOMEN**”; and

16 (2) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) by inserting “and all caretaker
 19 parents who are referred for treatment by
 20 the State or local child welfare agency”
 21 after “referred for”; and

22 (ii) by striking “is given” and insert-
 23 ing “are given”; and

24 (B) in paragraph (2)—

1 (i) by striking “such women” and in-
 2 serting “such pregnant women and care-
 3 taker parents”; and

4 (ii) by striking “the women” and in-
 5 serting “the pregnant women and care-
 6 taker parents”.

7 **SEC. 203. FOSTER CARE PAYMENTS FOR CHILDREN WITH**
 8 **PARENTS IN RESIDENTIAL FACILITIES.**

9 Section 472(b) of the Social Security Act (42 U.S.C.
 10 672(b)) is amended—

11 (1) in paragraph (1), by striking “or” at the
 12 end;

13 (2) in paragraph (2), by striking the period and
 14 inserting “, or”; and

15 (3) by adding at the end the following:

16 “(3) placed with the child’s parent in a residen-
 17 tial program that provides treatment and other nec-
 18 essary services for parents and children, including
 19 parenting services, when—

20 “(A) the parent is attempting to over-
 21 come—

22 “(i) a substance abuse problem and is
 23 complying with an approved treatment
 24 plan;

1 “(ii) being a victim of domestic vio-
2 lence;

3 “(iii) homelessness; or

4 “(iv) special needs resulting from
5 being a teenage parent;

6 “(B) the safety of the child can be assured;

7 “(C) the range of services provided by the
8 program is designed to appropriately address
9 the needs of the parent and child;

10 “(D) the goal of the case plan for the child
11 is to try to reunify the child with the family
12 within a specified period of time; and

13 “(E) the parent described in subparagraph
14 (A)(i) has not previously been treated in a resi-
15 dential program serving parents and their chil-
16 dren together.”.

17 **SEC. 204. REIMBURSEMENT FOR STAFF TRAINING.**

18 (a) TRAINING OF PERSONNEL.—Section 474(a) of
19 the Social Security Act (42 U.S.C. 674(a)) is amended—

20 (1) in paragraph (3)(A)—

21 (A) by striking “75” and inserting “sub-
22 ject to subsection (e), 75”;

23 (B) by inserting “, and training directed at
24 staff maintenance and retention” after “en-
25 rolled in such institutions”; and

1 (C) by striking “of personnel” and all that
 2 follows and inserting the following: “of—

3 “(i) personnel employed or preparing
 4 for employment by the State agency or by
 5 the local agency administering the State
 6 plan in the political subdivision; and

7 “(ii) personnel employed by courts
 8 and State or local law enforcement agen-
 9 cies, and by State, local, or private non-
 10 profit substance abuse prevention and
 11 treatment agencies, mental health provid-
 12 ers, domestic violence prevention and treat-
 13 ment agencies, health agencies, child care
 14 agencies, schools, and child welfare, family
 15 service, and community service agencies
 16 that are collaborating with the State or
 17 local agency administering the State plan
 18 in the political subdivision to keep children
 19 safe, support families, and provide perma-
 20 nent families for children, including adop-
 21 tive families;”;

22 (2) in paragraph (3)(B), by striking “75” and
 23 inserting “subject to subsection (e), 75”; and

24 (3) by adding at the end, the following flush
 25 sentence:

1 “Amounts under subparagraphs (A) and (B) of paragraph
 2 (3) shall be paid without regard to the primary provider
 3 of the training, and shall be determined without regard
 4 to the proportion of children on whose behalf foster care
 5 maintenance payments or adoption assistance payments
 6 are being made under the State plan under this part.”.

7 (b) REQUIREMENTS FOR RECEIPT OF TRAINING
 8 FUNDS.—Section 474 of the Social Security Act (42
 9 U.S.C. 674) is amended by adding at the end the follow-
 10 ing:

11 “(e) REQUIREMENTS FOR REIMBURSEMENT OF
 12 TRAINING EXPENDITURES.—

13 “(1) CROSS-AGENCY TRAINING EXPENDI-
 14 TURES.—

15 “(A) GUIDELINES FOR QUALIFIED EX-
 16 PENDITURES.—The Secretary shall issue guide-
 17 lines describing the types of training expendi-
 18 tures that shall qualify for reimbursement
 19 under subsection (a)(3)(A)(ii). The guidelines
 20 issued under the authority of this subparagraph
 21 shall emphasize reimbursement of training ex-
 22 penditures to treat and prevent child abuse and
 23 neglect, keep children safe, support families,
 24 and provide permanent families for children, in-
 25 cluding adoptive families.

“(B) DOCUMENTATION.—A State may not receive reimbursement for training expenditures incurred under subsection (a)(3)(A)(ii) unless the State submits to the Secretary, in such form and manner as the Secretary may specify, documentation evidencing that the expenditures conform with the guidelines issued under subparagraph (A).

“(2) MAINTENANCE OF EFFORT.—With respect to a fiscal year, a State may not receive funds under subparagraph (A) or (B) of subsection (a)(3) if the total State expenditures for the previous fiscal year for training under such subparagraphs are less than the total State expenditures under such subparagraphs for fiscal year 1996.”.

**SEC. 205. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE
FOSTER AND ADOPTIVE PARENTS AND
GROUP CARE STAFF.**

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 102(c), is amended—

- (1) in paragraph (18), by striking “and” at the end;
- (2) in paragraph (19), by striking the period and inserting “; and”; and
- (3) by adding at the end the following:

1 “(20) provides procedures for criminal records
2 checks and checks of a State’s child abuse registry
3 for any prospective foster parent or adoptive parent,
4 and any employee of a child-care institution before
5 the foster parent or adoptive parent, or the child-
6 care institution may be finally approved for place-
7 ment of a child on whose behalf foster care mainte-
8 nance payments or adoption assistance payments are
9 to be made under the State plan under this part, in-
10 cluding procedures requiring that—

11 “(A) in any case in which a criminal
12 record check reveals a criminal conviction for
13 child abuse or neglect, or spousal abuse, a
14 criminal conviction for crimes against children,
15 or a criminal conviction for a crime involving vi-
16 olence, including rape, sexual or other assault,
17 or homicide, approval shall not be granted; and

18 “(B) in any case in which a criminal
19 record check reveals a criminal conviction for a
20 felony or misdemeanor not involving violence, or
21 a check of any State child abuse registry indi-
22 cates that a substantiated report of abuse or
23 neglect exists, final approval may be granted
24 only after consideration of the nature of the of-
25 fense or incident, the length of time that has

1 elapsed since the commission of the offense or
 2 the occurrence of the incident, the individual’s
 3 life experiences during the period since the com-
 4 mission of the offense or the occurrence of the
 5 incident, and any risk to the child.”.

6 **SEC. 206. DEVELOPMENT OF STATE GUIDELINES TO EN-**
 7 **SURE SAFE, QUALITY CARE TO CHILDREN IN**
 8 **OUT-OF-HOME PLACEMENTS.**

9 Section 471(a) of the Social Security Act (42 U.S.C.
 10 671(a)), as amended by section 205, is amended—

11 (1) in paragraph (19), by striking “and” at the
 12 end;

13 (2) in paragraph (20), by striking the period
 14 and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(21) provides that the State shall—

17 “(A) develop and implement State guide-
 18 lines to ensure safe, quality care for children re-
 19 siding in out-of-home care settings, such as
 20 guidelines issued by a nationally recognized ac-
 21 crediting body, including the Council on Accred-
 22 itation for Services for Families and Children
 23 and the Joint Commission on the Accreditation
 24 of Health Care Organizations;

1 “(B) assist public provider agencies and
2 private provider agencies that contract and sub-
3 contract with the State to meet over a time pe-
4 riod determined by the State the quality guide-
5 lines established under subparagraph (A);

6 “(C) clearly articulate the guidelines
7 against which an agency’s performance will be
8 judged and the conditions under which the
9 guidelines established under subparagraph (A)
10 will be applied;

11 “(D) regularly monitor progress made by
12 the public and private agencies located in the
13 State in meeting the guidelines established
14 under subparagraph (A); and

15 “(E) judge agency compliance with the
16 guidelines established under subparagraph (A)
17 through measuring improvement in child and
18 family outcomes, and through such other meas-
19 ures as the State may determine appropriate to
20 judge such compliance.”.

1 **TITLE III—INCENTIVES FOR**
 2 **PROVIDING PERMANENT**
 3 **FAMILIES FOR CHILDREN**

4 **SEC. 301. REASONABLE EFFORTS FOR ADOPTION OR LOCA-**
 5 **TION OF A PERMANENT HOME.**

6 (a) STATE PLAN.—Section 471(a) of the Social Secu-
 7 rity Act (42 U.S.C. 671(a)), as amended by section 206,
 8 is amended—

9 (1) in paragraph (20), by striking “and” at the
 10 end;

11 (2) in paragraph (21), by striking the period
 12 and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(22) provides that, in any case in which the
 15 State’s goal for the child is adoption or placement
 16 in another permanent home, reasonable efforts will
 17 be made to place the child in a timely manner with
 18 an adoptive family, legal guardian, or in another
 19 planned permanent living arrangement and to com-
 20 plete whatever steps are necessary to finalize the
 21 adoption or legal guardianship.”.

22 (b) CASE PLAN AND CASE REVIEW SYSTEM.—Sec-
 23 tion 475 of the Social Security Act (42 U.S.C. 675) is
 24 amended—

25 (1) in paragraph (1)—

1 (A) in the last sentence—

2 (i) by striking “the case plan must
3 also include”; and

4 (ii) by redesignating such sentence as
5 subparagraph (D) and indenting appro-
6 priately; and

7 (B) by adding at the end, the following:

8 “(E) In the case of a child with respect to
9 whom the State’s goal is adoption or placement
10 in another permanent home, documentation of
11 the steps taken by the agency to find an adop-
12 tive family or other permanent living arrange-
13 ment for the child, to place the child with an
14 adoptive family, legal guardian, or in another
15 planned permanent living arrangement, and to
16 finalize the adoption or legal guardianship. At
17 a minimum, such documentation shall include
18 child specific recruitment efforts such as the
19 use of State, regional, and national adoption ex-
20 changes including electronic exchange sys-
21 tems.”; and

22 (2) in paragraph (5)(B), by inserting “(includ-
23 ing the requirement specified in paragraph (1)(E))”
24 after “case plan”.

1 **SEC. 302. PERMANENCY PLANNING HEARINGS.**

2 Section 475(5)(C) of the Social Security Act (42
3 U.S.C. 675(5)(C)) is amended—

4 (1) by striking “dispositional” and inserting
5 “permanency planning”;

6 (2) by striking “no later than” and all that fol-
7 lows through “12 months” and inserting “not later
8 than 12 months after the original placement (and
9 not less frequently than every 6 months”; and

10 (3) by striking “future status of” and all that
11 follows through “long term basis)” and inserting
12 “permanency plans for the child (including whether
13 and, if applicable, when, the child will be returned
14 to the parent, referred for termination of parental
15 rights, placed for adoption, or referred for legal
16 guardianship, or other planned permanent living ar-
17 rangement)”.

18 **SEC. 303. PROMOTION OF ADOPTION OF CHILDREN WITH**
19 **SPECIAL NEEDS.**

20 (a) IN GENERAL.—Section 473(a) of the Social Secu-
21 rity Act (42 U.S.C. 673(a)) is amended by striking para-
22 graph (2) and inserting the following:

23 “(2)(A) For purposes of paragraph (1)(B)(ii), a child
24 meets the requirements of this paragraph if such child—

25 “(i) prior to termination of parental rights and
26 the initiation of adoption proceedings was in the

1 care of a public or licensed nonprofit private child
2 care agency or Indian tribal organization either pur-
3 suant to a voluntary placement agreement (provided
4 the child was in care for not more than 180 days)
5 or as a result of a judicial determination to the ef-
6 fect that continuation in the home would be contrary
7 to the welfare of such child, or was residing in a fos-
8 ter family home or child care institution with the
9 child's minor parent (either pursuant to such a vol-
10 untary placement agreement or as a result of such
11 a judicial determination); and

12 “(ii) has been determined by the State pursuant
13 to subsection (c) to be a child with special needs.

14 “(B) Notwithstanding any other provision of law, and
15 except as provided in paragraph (7), a child who is not
16 a citizen or resident of the United States and who meets
17 the requirements of subparagraph (A) and is otherwise de-
18 termined to be eligible for the receipt of adoption assist-
19 ance payments, shall be eligible for adoption assistance
20 payments under this part.

21 “(C) A child who meets the requirements of subpara-
22 graph (A) and who is otherwise determined to be eligible
23 for the receipt of adoption assistance payments shall con-
24 tinue to be eligible for such payments in the event that
25 the child's adoptive parent dies or the child's adoption is

1 dissolved, and the child is placed with another family for
2 adoption.”.

3 (b) EXCEPTION.—Section 473(a) of the Social Secu-
4 rity Act (42 U.S.C. 673(a)) is amended by adding at the
5 end the following:

6 “(7)(A) Notwithstanding any other provision of this
7 subsection, no payment may be made to parents with re-
8 spect to any child that—

9 “(i) would be considered a child with special
10 needs under subsection (c);

11 “(ii) is not a citizen or resident of the United
12 States; and

13 “(iii) the parents adopted outside of the United
14 States or the parents brought into the United States
15 for the purpose of adopting such child.

16 “(B) Subparagraph (A) shall not be construed as pro-
17 hibiting payments under this part for a child described
18 in subparagraph (A) that is placed in foster care subse-
19 quent to the failure, as determined by the State, of the
20 initial adoption of such child by the parents described in
21 such subparagraph.”.

22 **SEC. 304. ONE-YEAR REIMBURSEMENT FOR REUNIFICA-**
23 **TION SERVICES.**

24 Section 475(4) of the Social Security Act (42 U.S.C.
25 675(4)) is amended by adding at the end the following:

1 “(C)(i) In the case of a child that is removed
 2 from the child’s home and placed in a foster family
 3 home or a child care institution, the foster care
 4 maintenance payments made with respect to such
 5 child may include payments to the State for reim-
 6 bursement of expenditures for reunification services,
 7 but only during the 1-year period that begins on the
 8 date that the child is removed from the child’s home.

9 “(ii) For purposes of clause (i), the term ‘reuni-
 10 fication services’ includes services and activities pro-
 11 vided to a child described in clause (i) and the par-
 12 ents or primary caregiver of such a child, in order
 13 to facilitate the reunification of the child safely and
 14 appropriately within a timely fashion, and may only
 15 include individual, group, and family counseling, in-
 16 patient, residential, or outpatient substance abuse
 17 treatment services, mental health services, assistance
 18 to address domestic violence, and transportation to
 19 or from such services.”.

20 **SEC. 305. ADOPTIONS ACROSS STATE AND COUNTY JURIS-**
 21 **DICTIONS.**

22 (a) STUDY OF INTERJURISDICTIONAL ADOPTION IS-
 23 SUES.—The Secretary of Health and Human Services (in
 24 this section referred to as the “Secretary”) shall appoint
 25 an advisory panel that shall—

1 (1) study and consider how to improve proce-
2 dures and policies to facilitate the timely and perma-
3 nent adoptions of children across State and county
4 jurisdictions;

5 (2) examine, at a minimum, interjurisdictional
6 adoption issues—

7 (A) concerning the recruitment of prospec-
8 tive adoptive families from other States and
9 counties;

10 (B) concerning the procedures to grant
11 reciprocity to prospective adoptive family home
12 studies from other States and counties;

13 (C) arising from a review of the comity
14 and full faith and credit provided to adoption
15 decrees and termination of parental rights or-
16 ders from other States; and

17 (D) concerning the procedures related to
18 the administration and implementation of the
19 Interstate Compact on the Placement of Chil-
20 dren; and

21 (3) not later than 12 months after the final ap-
22 pointment to the advisory panel, submit to the Sec-
23 retary the report described in subsection (c).

1 (b) COMPOSITION OF ADVISORY PANEL.—The advi-
 2 sory panel required under subsection (a) shall, at a mini-
 3 mum, be comprised of representatives of the following:

4 (1) Adoptive parent organizations.

5 (2) Public and private child welfare agencies
 6 that place children for adoption.

7 (3) Family court judges' organizations.

8 (4) Adoption attorneys.

9 (5) The Association of the Administrators of
 10 the Interstate Compact on the Placement of Chil-
 11 dren and the Association of the Administrators of
 12 the Interstate Compact on Adoption and Medical As-
 13 sistance.

14 (6) Any other organizations that advocate for
 15 adopted children or children awaiting adoption.

16 (c) CONTENTS OF REPORT.—The report required
 17 under subsection (a)(3) shall include the results of the
 18 study conducted under paragraphs (1) and (2) of sub-
 19 section (a) and recommendations on how to improve proce-
 20 dures to facilitate the interjurisdictional adoption of chil-
 21 dren, including interstate and intercounty adoptions, so
 22 that children will be assured timely and permanent place-
 23 ments.

24 (d) CONGRESS.—The Secretary shall submit a copy
 25 of the report required under subsection (a)(3) to the ap-

1 appropriate committees of Congress, and, if relevant, make
 2 recommendations for proposed legislation.

3 **TITLE IV—PROMOTION OF INNO-**
 4 **VATION IN ENSURING SAFE**
 5 **AND PERMANENT FAMILIES**

6 **SEC. 401. INNOVATION GRANTS TO REDUCE BACKLOGS OF**
 7 **CHILDREN AWAITING ADOPTION AND FOR**
 8 **OTHER PURPOSES.**

9 (a) IN GENERAL.—Section 474(a) of the Social Secu-
 10 rity Act (42 U.S.C. 674) is amended—

11 (1) in paragraph (4), by striking the period and
 12 inserting “; plus”; and

13 (2) by inserting after paragraph (4), the follow-
 14 ing:

15 “(5) an amount equal to the State’s innovation
 16 grant award, if an award for the State has been ap-
 17 proved by the Secretary pursuant to section 478.”.

18 (b) INNOVATION GRANTS.—Part E of title IV of the
 19 Social Security Act (42 U.S.C. 670 et seq.) is amended
 20 by inserting after section 477, the following:

21 **“SEC. 478. INNOVATION GRANTS.**

22 **“(a) PAYMENTS.—**

23 **“(1) IN GENERAL.—**A State that has an appli-
 24 cation described in paragraph (3) approved by the
 25 Secretary, shall be entitled to receive payments, in

1 an amount determined by the Secretary, under sec-
2 tion 474(a)(5) for not more than 5 years for the
3 purpose of carrying out the innovation projects de-
4 scribed in paragraph (2).

5 “(2) INNOVATION PROJECTS DESCRIBED.—The
6 innovation projects described in this paragraph are
7 projects that are designed to achieve 1 or more of
8 the following goals:

9 “(A) Reducing a backlog of children in
10 long-term foster care or awaiting adoption
11 placement.

12 “(B) Ensuring, not later than 1 year after
13 a child enters foster care, a permanent place-
14 ment for the child.

15 “(C) Identifying and addressing barriers
16 that result in delays to permanent placements
17 for children in foster care, including inadequate
18 representation of child welfare agencies in ter-
19 mination of parental rights and adoption pro-
20 ceedings, and other barriers to termination of
21 parental rights.

22 “(D) Implementing or expanding commu-
23 nity-based permanency initiatives, particularly
24 in communities where families reflect the ethnic

1 and racial diversity of children in the State for
2 whom foster and adoptive homes are needed.

3 “(E) Developing and implementing com-
4 munity-based child protection activities that in-
5 volve partnerships among State and local gov-
6 ernments, multiple child-serving agencies, the
7 schools, and community leaders in an attempt
8 to keep children free from abuse and neglect.

9 “(F) Establishing new partnerships with
10 businesses and religious organizations to pro-
11 mote safety and permanence for children.

12 “(G) Assisting in the development and im-
13 plementation of the State guidelines described
14 in section 471(a)(21).

15 “(H) Developing new staffing approaches
16 to allow the resources of several States to be
17 used to conduct recruitment, placement, adop-
18 tion, and post-adoption services on a regional
19 basis.

20 “(I) Any other goal that the Secretary
21 specifies by regulation.

22 “(3) APPLICATION.—

23 “(A) IN GENERAL.—An application for a
24 grant under this section may be submitted for
25 fiscal year 1998 or 1999 and shall contain—

1 “(i) a plan, in such form and manner
 2 as the Secretary may prescribe, for an in-
 3 novation project described in paragraph
 4 (2) that will be implemented by the State
 5 for a period of not more than 5 consecutive
 6 fiscal years, beginning with fiscal year
 7 1998 or 1999, as applicable;

8 “(ii) an assurance that no waivers
 9 from provisions in law, as in effect at the
 10 time of the submission of the application,
 11 are required to implement the innovation
 12 project; and

13 “(iii) such other information as the
 14 Secretary may require by regulation.

15 “(4) DURATION.—An innovation project ap-
 16 proved under this section shall be conducted for not
 17 more than 5 consecutive fiscal years, except that the
 18 Secretary may terminate a project before the end of
 19 the period originally approved if the Secretary deter-
 20 mines that the State conducting the project is not
 21 in compliance with the terms of the plan and appli-
 22 cation approved by the Secretary under this section.

23 “(5) AMOUNTS.—With respect to a fiscal year,
 24 the Secretary shall award State grants under this
 25 section, in an aggregate amount not to exceed

1 \$50,000,000 for that fiscal year. A State shall not
2 receive a grant under this section unless, for each
3 year for which a grant is awarded, the State agrees
4 to match the grant with \$1 for every \$3 received.

5 “(6) NONSUPPLANTING.—Any amounts payable
6 to a State under paragraph (5) of section 474(a)
7 shall be in addition to the amounts payable under
8 paragraphs (1), (2), (3), and (4) of that section, and
9 shall supplement but not replace any other funds
10 that may be available for the same purpose in the
11 localities involved.

12 “(7) EVALUATIONS AND REPORTS.—

13 “(A) STATE EVALUATIONS.—Each State
14 administering an innovation project under this
15 section shall—

16 “(i) provide for ongoing and retro-
17 spective evaluation of the project, meeting
18 such conditions and standards as the Sec-
19 retary may require; and

20 “(ii) submit to the Secretary such re-
21 ports, at such times, in such format, and
22 containing such information as the Sec-
23 retary may require.

24 “(B) REPORTS TO CONGRESS.—The Sec-
25 retary shall, on the basis of reports received

1 from States administering projects under this
 2 section, submit interim reports, and, not later
 3 than 6 months after the conclusion of all
 4 projects administered under this section, a final
 5 report to Congress. A report submitted under
 6 this subparagraph shall contain an assessment
 7 of the effectiveness of the State projects admin-
 8 istered under this section and any recommenda-
 9 tions for legislative action that the Secretary
 10 considers appropriate.

11 “(8) REGULATIONS.—Not later than 60 days
 12 after the date of enactment of this section, the Sec-
 13 retary shall promulgate final regulations for imple-
 14 menting this section.”.

15 **SEC. 402. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.**

16
 17 Section 1130(a) of the Social Security Act (42 U.S.C.
 18 1320a–9(a)) is amended by striking “10” and inserting
 19 “15”.

20 **TITLE V—MISCELLANEOUS**

21 **SEC. 501. EFFECTIVE DATE.**

22 This Act and the amendments made by this Act take
 23 effect on October 1, 1997.

